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UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF ILLINOIS
DIVISION

NOV 27 2007

11-27-2007

MICHAEL W. DOBBINS
CLERK, U.S. DISTRICT COURT

FILED

JANUARY 11, 2008

MICHAEL W. DOBBINS
CLERK, U.S. DISTRICT COURT

LAMAS ALEXANDER
(Name of the plaintiff or plaintiffs)

V.

07CV6655

JUDGE KENDALL

MAG. JUDGE COLE

Advocate Health Care

(Name of the defendant or defendants)

COMPLAINT OF EMPLOYMENT DISCRIMINATION

1. This is an action for employment discrimination.
2. The plaintiff is LAMAS ALEXANDER of
the county of Will in the state of ILLINOIS.
3. The defendant is Advocate Healthcare, who
resides at (street address) 2025 Windsor Drive
(city) Oak Brook (county) DuPage (state) ILLINOIS (ZIP) 60523
(Defendant's telephone number) (630) - 512 - 9393

4) The plaintiff sought employment or was employed by the defendant at

(street address) 3400 PEARL ST

(city) ROSEMONT (county) COOK (state) IL (ZIP code) 60018

5. The plaintiff [check one box]

- (a) ☐ was denied employment by the defendant.
 (b) ☐ was hired and is still employed by the defendant.
 (c) ☒ was employed but is no longer employed by the defendant.

6. The defendant discriminated against the plaintiff on or about, or beginning on or about,

(month) 04 (day) 18 (year) 2006

7. (a) The plaintiff [check one box] ☐ has not filed a charge or charges against the defendant
☒ has

asserting the acts of discrimination indicated in this complaint with any of the following government agencies:

- (i) ☒ the United States Equal Employment Opportunity Commission on or about
 (month) JUNE (day) 14 (year) 2006
OCTOBER 12 2006
 (ii) ☐ the Illinois Department of Human Rights on or about
 (month) _____ (day) _____ (year) _____

(b) If charges were filed with an agency indicated above, a copy of the charge is

attached. ☒ YES ☐ NO

It is the policy of both the Equal Employment Opportunity Commission and the Illinois Department of Human Rights to cross-file with the other agency all charges received. The plaintiff has no reason to believe that this policy was not followed in this case.

8. (a) ☐ the United States Equal Employment Opportunity Commission has not issued a *Notice of Right to Sue*.

(b) ☒ the United States Equal Employment Opportunity Commission has issued a *Notice of Right to Sue*, which was received by the plaintiff on (month) SEPT,
 (day) 1 (year) 2007 a copy of which *Notice* is attached to this complaint.

9. The defendant discriminated against the plaintiff because of the plaintiff's [check all that apply]

- (a) ☐ Age (Age Discrimination Employment Act).
- (b) ☐ Color (Title VII of the Civil Rights Act of 1964 and 42 U.S.C. §1981).
- (c) ☒ Disability (Americans with Disabilities Act)
- (d) ☐ National Origin (Title VII of the Civil Rights Act of 1964 and 42 U.S.C. §1981).
- (e) ☒ Race (Title VII of the Civil Rights Act of 1964 and 42 U.S.C. §1981).
- (f) ☐ Religion (Title VII of the Civil Rights Act of 1964)
- (g) ☐ Sex (Title VII of the Civil Rights Act of 1964)

10. The plaintiff is suing the defendant, a state or local government agency, for discrimination on the basis of race, color, or national origin (42 U.S.C. §1983).

☒ YES ☐ NO

11. Jurisdiction over the statutory violation alleged is conferred as follows: over Title VII claims by 28 U.S.C. §1331, 28 U.S.C. §1343(a)(3), and 42 U.S.C. §2000e-5(f)(3); over 42 U.S.C. §1981 and §1983 by 42 U.S.C. §1988; over the A.D.E.A. by 42 U.S.C. §12117.

12. The defendant [check all that apply]

- (a) ☐ failed to hire the plaintiff.
- (b) ☒ terminated the plaintiff's employment.
- (c) ☐ failed to promote the plaintiff.
- (d) ☐ failed to reasonably accommodate the plaintiff's religion.
- (e) ☒ failed to reasonably accommodate the plaintiff's disabilities.
- (f) ☒ other (specify): RETAILED AGAINST THE PLAINTIFF, BY
TERMINATING EMPLOYMENT AFTER PLAINTIFF FILED THE
KEOC CHARGE OF DISCRIMINATION.

13. The facts supporting the plaintiff's claim of discrimination are as follows:

(PLEASE REVIEW THE ATTACHED PAGES)

14. [AGE DISCRIMINATION ONLY] Defendant knowingly, intentionally, and willfully discriminated against the plaintiff.

15. The plaintiff demands that the case be tried by a jury.



YES



NO

16. THEREFORE, the plaintiff asks that the court grant the following relief to the plaintiff [check all that apply]

(a) ☐

Direct the defendant to hire the plaintiff.

(b) ☐

Direct the defendant to re-employ the plaintiff.

(c) ☐

Direct the defendant to promote the plaintiff.

(d) ☐

Find that the defendant failed to reasonably accommodate the plaintiff's religion.

(e) ☒

Find that the defendant failed to reasonably accommodate the plaintiff's disabilities.

(f) ☒

Direct the defendant to (specify): To pay the defendant
lost wages, to include vacation & sick time,
promotional cost of living wages and punitive
damages and interest accrued at 1% above
the inflation rate.

(g) ☒

If available, grant the plaintiff appropriate injunctive relief, lost wages, liquidated/double damages, front pay, compensatory damages, punitive damages, prejudgment interest, post-judgment interest, and costs, including reasonable attorney fees and expert witness fees.

Paragraph 13 continued,

- 1) I began my employment with the respondent on October 3, 2005. My position at the time of my acceptance of their offer, was Courier 1.
- 2) From October 2005 until April 2006, I was deemed an exemplary employee. That is to say, an employee without problems or issues.
- 3) In February 2006 a co-worker approached my wife without provocation, and asked why did you marry that m-----g guy. I reported this to my immediate supervisor Clay Caulkin. My wife and I are a mix race couple. There was no action taken against this co-worker named Xavier, who works as a dispatcher in the courier department.
- 4) On April 18, 2006 I was subjected to derogatory statements about my race, and disability (Diabetic), by the shift supervisor Larry Moore. The next day I reported it to my immediate supervisor Clay Caulkin and the manager of the department Matt Clark. Two days later Matt Clark, the department manager assured me that he had taken care of the issue and that no further discussion would be necessary.
- 5) At the beginning of the month of May 2006 Larry Moore a supervisor in the courier department, is overheard telling a dispatcher that he is going to get that SOB, Lamas Alexander fired the hell out of here.
- 6) On June 1, 2006 as I enter the building I am greeted by my supervisor Clay Caulkin and asked to accompany him to the conference room at the other end of the building. When we arrive Larry Moore is waiting for us with a document in his hand. Larry Moore passes the documents to Clay Caulkin, who turns to me and states that I am being given a Level I written warning for 11 performance failures, that began with the night April 18, 2006.
- 7) On June 8, 2006 I was given a Level II written warning, that was revised and issued again on June 13, 2006.
- 8) On June 14, 2006 I filed an EEOC discrimination charge # 440-2006-05608.
- 9) I had applied for the position of Patient Access Representative at one the respondent's hospitals in early April 2006. I wanted to transfer to another facility internally so I would not lose benefits or pay.
- 10) I was interviewed on two separate occasions for this position and was told by the Patient Access Manager Nicole Jones I was considered a top candidate for the job. I did not get either of the vacant positions and was not notified that I had not been hired, even though the department Manager Nicole Jones told me that I would hear from herself or the recruiter within 2-3 days.
- 11) I was subsequently issued a Level III written warning on June 27, 2006 and terminated on June 28, 2006
- 12) I believed that I have been retaliated against, in violation of Title VII of the civil rights act of 1964, as amended.

(h) ☒ Grant such other relief as the Court may find appropriate.

(Plaintiff's signature)

(Plaintiff's name)

(Plaintiff's street address)

(City)

(State)

(ZIP)

(Plaintiff's telephone number)

CHARGE OF DISCRIMINATION

This form is affected by the Privacy Act of 1974. See enclosed Privacy Act Statement and other information before completing this form.

Charge Presented To:

Agency(ies) Charge No(s):

☐ FEPA☒ EEOC

440-2006-05608

Illinois Department Of Human Rights

and EEOC

Name (indicate Mr., Ms., Mrs.)

State or local Agency, if any

Mr. Lamas Alexander

Home Phone (incl. Area Code)

(630) 739-5689

Date of Birth

08-25-1963

Street Address

City, State and ZIP Code

463 Mallview Ave., Bolingbrook, IL 60440

Named is the Employer, Labor Organization, Employment Agency, Apprenticeship Committee, or State or Local Government Agency That I Believe Discriminated Against Me or Others. (If more than two, list under PARTICULARS below.)

Name

ADVOCATE HEALTH CARE

No. Employees, Members

500 or More

Phone No. (Include Area Code)

(847) 390-9334

Street Address

City, State and ZIP Code

5400 Pearl St, Rosemont, IL 60018

Name

No. Employees, Members

Phone No. (Include Area Code)

Street Address

City, State and ZIP Code

DISCRIMINATION BASED ON (Check appropriate box(es).)

☒ RACE☐ COLOR☐ SEX☐ RELIGION☐ NATIONAL ORIGIN☒ RETALIATION☐ AGE☒ DISABILITY☐ OTHER (Specify below.)

DATE(S) DISCRIMINATION TOOK PLACE

Earliest

Latest

10-03-2005**06-14-2006**☐

CONTINUING ACTION

THE PARTICULARS ARE (If additional paper is needed, attach extra sheet(s)):

I began my employment with Respondent on October 3, 2005. My most recent position is Courier I. In February 2006 and April 2006, I was subjected to derogatory remarks about my race and disability. I immediately complained to management about the remarks. On June 5, 2006, June 8, 2006, and June 13, 2006, I was issued written disciplinary actions.

I believe that I have been discriminated against because of my disability in violation of the Americans with Disabilities of 1990. I also believe that I have been discriminated against because of my race, Black, and have been retaliated against for complaining, in violation of Title VII of the Civil Rights Act of 1964, as amended.

RECEIVED EEOC**JUN 14 2006****CHICAGO DISTRICT OFFICE**

I want this charge filed with both the EEOC and the State or local Agency, if any. I will advise the agencies if I change my address or phone number and I will cooperate fully with them in the processing of my charge in accordance with their procedures.

NOTARY - When necessary for State and Local Agency Requirements

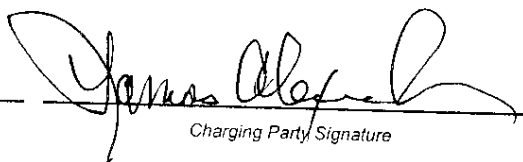
I declare under penalty of perjury that the above is true and correct.

I swear or affirm that I have read the above charge and that it is true to the best of my knowledge, information and belief.

SIGNATURE OF COMPLAINANT

Jun 14, 2006

Date



Charging Party Signature

SUBSCRIBED AND SWORN TO BEFORE ME THIS DATE
(month, day, year)

CHARGE OF DISCRIMINATION

This form is affected by the Privacy Act of 1974. See enclosed Privacy Act Statement and other information before completing this form.

Charge Presented To:

Agency(ies) Charge No(s):

☐ FEPA☒ EEOC**440-2007-00240****Illinois Department Of Human Rights**

and EEOC

State or local Agency, if any

Name (indicate Mr., Ms., Mrs.)

Mr. Lamas Alexander

Home Phone (Incl. Area Code)

(630) 410-8777

Date of Birth

08-25-1963

Street Address

City, State and ZIP Code

463 Mallview Ave., Bolingbrook, IL 60440

Named is the Employer, Labor Organization, Employment Agency, Apprenticeship Committee, or State or Local Government Agency That I Believe Discriminated Against Me or Others. (If more than two, list under PARTICULARS below.)

Name

ADVOCATE HEALTHCARE

No. Employees, Members

500 or More

Phone No. (Include Area Code)

(630) 990-5038

Street Address

City, State and ZIP Code

2025 Windsor Drive, Oak Brook, IL 60523

Name

No. Employees, Members

Phone No. (Include Area Code)

Street Address

City, State and ZIP Code

DISCRIMINATION BASED ON (Check appropriate box(es).)

☐ RACE ☐ COLOR ☐ SEX ☐ RELIGION ☐ NATIONAL ORIGIN
☒ RETALIATION ☐ AGE ☐ DISABILITY ☐ OTHER (Specify below.)

DATE(S) DISCRIMINATION TOOK PLACE

Earliest

Latest

06-28-2006**06-28-006**

CONTINUING ACTION

THE PARTICULARS ARE (If additional paper is needed, attach extra sheet(s)):

On June 14, 2006, I filed EEOC Charge No. 440-2006-05608 against Respondent. I had applied for the position of Patient Access Representative at one of Respondent's hospital facilities in late April, 2006 or early May, 2006. I was interviewed on two occasions, the latest interview taking place in June, 2006. I had been told by the Patient Access Manager that I was considered a top candidate for one of the vacant positions. Respondent was to notify me as to its final decision within two to three days after my second interview. I was never notified at all. I was subsequently issued a Level III Disciplinary Warning on June 27, 2006. I was discharged on June 28, 2006.

I believe I have been retaliated against, in violation of Title VII of the Civil Rights Act of 1964, as amended.

OCT 12 2006

I want this charge filed with both the EEOC and the State or local Agency, if any. I will advise the agencies if I change my address or phone number and I will cooperate fully with them in the processing of my charge in accordance with their procedures.

NOTARY - When necessary for State and Local Agency Requirements

I declare under penalty of perjury that the above is true and correct.

I swear or affirm that I have read the above charge and that it is true to the best of my knowledge, information and belief.

SIGNATURE OF COMPLAINANT

SUBSCRIBED AND SWORN TO BEFORE ME THIS DATE
(month, day, year)

Oct 12, 2006

Date

Charging Party Signature

DISMISSAL AND NOTICE OF RIGHTS

To: **Lamas Alexander**
463 Mallview Ave.
Bolingbrook, IL 60440

From: **Chicago District Office**
500 West Madison St
Suite 2800
Chicago, IL 60661

CERTIFIED MAIL 7099 3400 0018 8815 4755



*On behalf of person(s) aggrieved whose identity is
 CONFIDENTIAL (29 CFR §1601.7(a))*

EEOC Charge No.

EEOC Representative

Telephone No.

440-2006-05608

Kathleen Leaver,
Investigator

(312) 353-8766

THE EEOC IS CLOSING ITS FILE ON THIS CHARGE FOR THE FOLLOWING REASON:



The facts alleged in the charge fail to state a claim under any of the statutes enforced by the EEOC.



Your allegations did not involve a disability as defined by the Americans With Disabilities Act.



The Respondent employs less than the required number of employees or is not otherwise covered by the statutes.



Your charge was not timely filed with EEOC; in other words, you waited too long after the date(s) of the alleged discrimination to file your charge.



Having been given 30 days in which to respond, you failed to provide information, failed to appear or be available for interviews/conferences, or otherwise failed to cooperate to the extent that it was not possible to resolve your charge.



While reasonable efforts were made to locate you, we were not able to do so.



You were given 30 days to accept a reasonable settlement offer that affords full relief for the harm you alleged.



The EEOC issues the following determination: Based upon its investigation, the EEOC is unable to conclude that the information obtained establishes violations of the statutes. This does not certify that the respondent is in compliance with the statutes. No finding is made as to any other issues that might be construed as having been raised by this charge.



The EEOC has adopted the findings of the state or local fair employment practices agency that investigated this charge.



Other (briefly state)

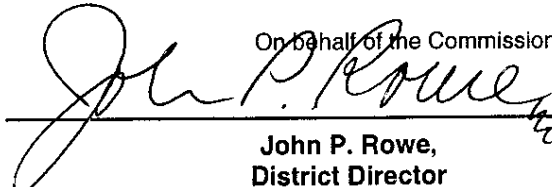
- NOTICE OF SUIT RIGHTS -

(See the additional information attached to this form.)

Title VII, the Americans with Disabilities Act, and/or the Age Discrimination in Employment Act: This will be the only notice of dismissal and of your right to sue that we will send you. You may file a lawsuit against the respondent(s) under federal law based on this charge in federal or state court. Your lawsuit **must be filed WITHIN 90 DAYS of your receipt of this notice**; or your right to sue based on this charge will be lost. (The time limit for filing suit based on a state claim may be different.)

Equal Pay Act (EPA): EPA suits must be filed in federal or state court within 2 years (3 years for willful violations) of the alleged EPA underpayment. This means that **backpay due for any violations that occurred more than 2 years (3 years) before you file suit may not be collectible.**

On behalf of the Commission


John P. Rowe,
District Director


 (Date Mailed)

Enclosures(s)

cc: **ADVOCATE HEALTHCARE**

U.S. EQUAL EMPLOYMENT OPPORTUNITY COMMISSION

DISMISSAL AND NOTICE OF RIGHTS

To: **Lamas Alexander**
463 Mallview Ave.
Bolingbrook, IL 60440

From: **Chicago District Office**
500 West Madison St
Suite 2800
Chicago, IL 60661

CERTIFIED MAIL 7099 3400 0018 8815 4762



On behalf of person(s) aggrieved whose identity is
 CONFIDENTIAL (29 CFR §1601.7(a))

EEOC Charge No.

EEOC Representative

Telephone No.

440-2007-00240

Kathleen Leaver,
Investigator

(312) 353-8766

THE EEOC IS CLOSING ITS FILE ON THIS CHARGE FOR THE FOLLOWING REASON:



The facts alleged in the charge fail to state a claim under any of the statutes enforced by the EEOC.



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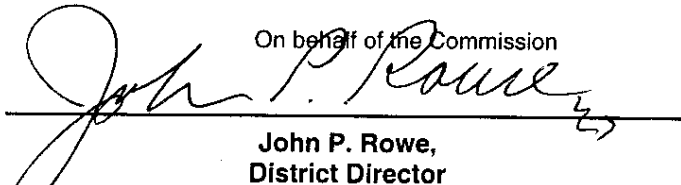
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On behalf of the Commission


John P. Rowe,
District Director


 (Date Mailed)

Enclosures(s)

cc: **ADVOCATE HEALTHCARE**